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Discussion

Missing page 12 from prior Response

The applicant requests that the Examiner suspend the final status of the outstanding office action to permit entry of the concluding portion of claim 24 and claims 25 through 28 which were respectively incomplete and missing in the prior Response due to the apparent absence of page 12 of that the prior Response. The omission of page 12 is unexplained. It may have occurred in the undersigned attorney's office on assembly of the documents, in the offices of the agents who prepared the papers for delivery to the patent office, or it may have occurred in the Patent Office.

Since these claims reflect claims or reflect features already reviewed by the Examiner earlier during the prosecution process, it is respectfully requested that the Examiner accept this amendment and continue the examination on the basis that these claims are now properly entered. As explained in the prior Response, the following claims correspond to the earlier claims as follows:

24	3	wall-to-rebar couplings for rebar rod in flange and footing volumes
28	13	form edges are embedded and are interrupted from a straight line

The applicant hereby adopts and repeats its submissions made in support of the missing claims in the prior Response. Favorable consideration to this amendment and submission is respectfully requested

Withdrawal of Final status of office action

The applicant independently requests that the final status of the outstanding office action be withdrawn on the basis that the Examiner has raised multiple new grounds of objection not raised previously. Additionally, the Examiner has rejected claims corresponding to claims previously said to be allowable.

Claim 40 amendment

Claim 40 has been amended to delete the double inclusion of the use of concrete for the precast wall portion.

Review of Examiner's office action

The Examiner has withdrawn objection to the claims of this application on the basis of Desjoyaux, US patent 5,111,628, for which the applicant expresses his appreciation. The examiner's initiative in this regard is appreciated.

Combination of Wallin and Schultz

The primary piece of prior art presently applied by the Examiner as a basis of rejection of claims 21-24, 30-33, 37-40 under 35 USC 103 is US patent 6,244,005 issued to the present applicant, Wallin, in view of Schultz 5,551,761. The Examiner acknowledges that Wallin does not disclose a footing form as claimed nor how the separately formed footing in the prior Wallin reference was made. The Examiner relies on Schultz as disclosing a wall portion having a footing form (9) for providing a footing volume to be filled with binder material, the footing form being positioned adjacent to the base end of the wall panel and extending across the width of the wall panel to the respective vertical side edges of the wall panel. The footing in Schultz is said by the Examiner to be:

- i) attached to and extending laterally away from the wall portion on a flange footing side of the wall portion ... so as to remain with the wall portion in such orientation once the footing Wallin has been filled with binder material;
- ii) downwardly open but upwardly closed for covering and confining such binder material between the footing form, the flange side of the wall portion and the supporting surface when the wall panel is installed on such supporting surface;
- iii) open at the ends of the footing form that are adjacent to the respective vertical side edges of the wall panel, with two such portions being positioned adjacent to each other.

This 35 USC 103 objection is made on the basis that it would have been obvious to one of ordinary skill in the art to modify the combination of the wall panel of Wallin and a separate footing, to have the footing formed on site by a footing form such as disclosed in Schultz. With great respect, the applicant traverses this conclusion.

The applicant objects that Schultz does not, as stipulated in claim 21, provide "a vertical flange form having an interior flange volume for forming a flange on the wall portion when filled with binder material". The Examiner has suggested that members 19 and 31 define the flange side of the wall portion, but this does not meet the requirement that Schultz provides for the presence of a flange form.

Claim 21 specifically provides for as follows:

- a) a wall portion having a width and height and fitted on one side, the flange side, with a vertical flange form having an interior flange volume for forming a flange on the wall portion when filled with binder material; and
- b) a footing form

- i) attached to and extending laterally away from the wall portion on the flange side of the wall portion so as to remain with the wall portion in such orientation once the footing volume has been filled with binder material,
- ii) positioned beneath and extending laterally from the flange form to provide the footing volume whereby the footing form can be filled with binder material that serves as a footing along the base end of the panel,
- iii) downwardly open but upwardly closed for covering and confining such binder material between the footing form, the flange side of the wall portion and the supporting surface when the wall panel is installed on such supporting surface,
- iv) open at the ends of the footing form that are adjacent to the respective vertical side edges of the wall panel, and

wherein the flange and footing volumes are interconnected to provide continuous, enclosed volumes that serve to contain binder material poured into the footing form through the vertical flange form, ...

The applicant has underlined portions in this claim that are not present in the combination hypothesized by the Examiner. Accordingly, even assuming that ordinary workmen would have considered endeavoring to combine the features of Wallin and Schultz, the configuration now being claimed would not be met.

Furthermore, the applicant attaches a declaration made by the applicant, Arne Wallin, herein which attests to the nonobvious character of the combination addressed in this present application. From this declaration it is apparent that:

- a) Schultz does not fill his footing form through a flange form;
- b) the footing form in Schultz is not filled from a vertical source that is positioned above the footing form;
- c) the footing form in Schultz is filled laterally from the core of the adjacent wall that is being cast at the same time, being filled transversely along the base of the wall, and
- d) the footing form in Schultz is not filled progressively proceeding longitudinally along the length of the footing form.

Accordingly, the action of the footing form in Schultz is distinct in character from the action of the footing form in the present invention. As shown in the attached declaration by Arne Wallin, in the present invention:

- a) the footing form is filled through a flange form;
- b) the footing form in the present invention is filled from a vertical source that is positioned above the footing form;
- c) the footing form in the present invention is not filled laterally from the core of the adjacent wall that is being cast at the same time, and
- d) the footing form in the present invention is filled progressively proceeding longitudinally along the length of the footing form.

A further distinction is that the footing form in Schultz is removed once the wall portion is poured. This is the opposite of the arrangement in the present invention. This is demonstrated by the underlined limitations in claim 21 reproduced above, namely:

b) a footing form

i) attached to and extending laterally away from the wall portion on the flange side of the wall portion so as to remain with the wall portion

The Examiner has observed that this limitation is met in Schultz. However, in Schultz it is specifically stated:

" The importance of open area 49 in footing forming member 9 lies in the fact that it is important that no portion of the wall forming apparatus extend within the concrete receiving cavity 45, other than the tying means 33, which is accessibly disposed above the lower peripheral frame section 13 of a wall forming member 7. This facilitates ease in stripping the integral monolithic footing and wall forming units once the concrete has set and hardened."

The concept contemplated in Schultz is that the footing form in his construction is to be removed from the concrete wall and footing once formed. This is to be contrasted with the function of the footing form in the present invention. As stated in the disclosure for this present invention:

" [0017] When portions of the outer sheeting material forming the walls of the vertical flange forms extend into the binder in the footing form to serve as coupling means, the outer sheeting of such the forms then serves as reinforcement extending between the cast-in-place portions of concrete in the final wall system."

"[0024] The forms themselves serve as reinforcing for the binder they eventually contain. To improve coupling between these forms and the binder with which such forms are eventually to be filled, without precipitating fracturing of the sheeting material, portions of the walls of the forms may be depressed or deformed inwardly to provide dimples or tabs to be embedded within the binder when the binder is poured into the forms. This improves the composite effect of the forms in serving as a reinforcement to the concrete."

The Wallin footing form is: "attached ... so as to remain with the wall portion in the same orientation once the footing volume has been filled with binder material". The form is part of the final structure.

This is a characteristic which is not provided by the forms in Schultz. It is a concept arising from the fact that the footing form is, as stipulated in claim 21, attached to ...the wall portion on the flange side of the wall portion so as to remain with the wall portion in such orientation once the footing volume has been filled with binder material.

On this basis, it is submitted that claim 21 should be considered allowable by the Examiner.

Claims 22, 23, 24, 30, 33, 37-40

Claims 22, 23, 24, 30, 33, 37-40 are all listed in the Examiner's office action as having been rejected under 35 USC 103. All of these claims are dependent on claim 21 which is shown to have inventive character over the combination as recited by the Examiner. All of these claims add additional integers which even further distinguish their scope of coverage from the combination cited by the Examiner. Accordingly, all of these claims should be allowable as well.

Claim 36

Claim 36 has been rejected under 35 USC 103 on the basis of Wallin, Schultz and Betzler, US 1,834,892 with the assertion that it would have been obvious from these references to form a multi-tier wall as specified in claim 36. Claim 36 is also dependent on claim 21 which is shown to have inventive character over the combination as recited by the Examiner. Further claim 36 adds the multi-tier function in the context of the additional structural features of trough and footing forms which are filled in situ, as opposed to Betzler which does not suggest such features. It is therefore submitted that claim 36 should not be rejected on the basis of obviousness.

Claim 34

Claim 34 has been rejected under 35 USC 103 on the basis of Wallin, Schultz and House, US 5,588,786. Claim 34 is also dependent on claim 21 which is shown to be patentable. Claim 34 adds:

"34. A building wall as in claim 30 comprising two wall panels meeting at an angle and further comprising a corner piece having vertical faces shaped to abut the vertical side edges of adjacent wall panels, said adjacent wall panels having vertical half-forms mounted along said abutting vertical side edges and further comprising a joiner piece for joining said respective half-forms, the corner piece, vertical side edges of adjacent wall panels, vertical half-forms and joiner piece defining a vertical cavity that communicates with the footing volume for receiving binder material. "

In respect of claim 34 House does show a corner piece. But House does not suggest that: "the corner piece, vertical side edges of adjacent wall panels, vertical half-forms and joiner piece define a vertical cavity that communicates with the footing volume for receiving binder

material" as provided in claim 34. House does not contemplate the presence of a footing form nor even a continuous footing underlying his wall. The presence of a vertical cavity that communicates with the footing volume as in the present invention provides a substantial benefit in allowing a building wall based thereon to have a continuous frame support at the corners that will distribute load over an extended footing that underlies the walls meeting at the corner.

It is therefore submitted that claim 34 should not be rejected on the basis of obviousness.

Claim 35

The Examiner has rejected Claim 35 under 35 USC 103 on the basis of Wallin, Schultz, House and Babcock, US 6,256,960. Claim 35 addresses a positioning plate positioned at the corner where two walls meet to align a corner post. Claim 35 is also dependent on claim 21 which is shown to be patentable. Claim 35 provides for:

"....at least one positioning plate with upwardly bent plate flanges for positioning beneath and aligning said corner piece, said plate flanges embracing portions of the base ends of said respective abutting wall panels."

Accordingly, a single plate is provided which embraces portions of the base ends of two respective abutting wall panels.

Babcock states:

"At each corner of the building, angularly abutting pieces of the lower track 13 are cut on the building site to fit so they will meet in flush engagement, as shown in FIG. 3. Material remaining after the cutting, such as ears 17, may be bent upwardly, out of the way."

This does not describe a single plate. Rather, it addresses two tracks which abut at the corner. Accordingly, the Babcock does not add the element stipulated in claim 35. On this basis as well as its dependency on claim 21, claim 35 should be allowable.

Claim 29

The Examiner has rejected claim 29 under 35 USC 103 on the basis of Wallin, Schultz and Walstone, US 4,512,126. This claim addresses a beam support post. Walston addresses precast forms. There is no suggestion in Walston of providing a wall with a form thereon that permits the pouring of a beam post at the same time that the flange form is filled with binder material. Claim 29 specifically provides for:

"...a beam support post form fitted to said wall portion, said beam support post form being notched at its upper end, below the top end of the wall panel, to receive the end of a beam,

and providing an upwardly extending open volume adjacent said wall panel for receiving binder material."

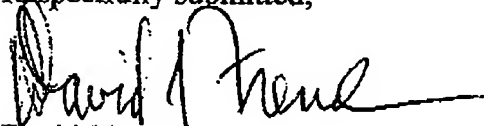
This feature is in addition to the fact that claim 29 is dependent on claim 21. On this basis, it is submitted that claim 29 is patentably distinguishable over the prior art.

Conclusion

The claims have been revised and the Examiner's observations and rejections have been addressed. It is believed that this application addresses patentable subject matter and is in form for Allowance. Reconsideration and a favorable ruling that will allow this application to advance to grant is therefore requested.

The applicant has requested that the final status of this action be withdrawn. The applicant is prepared to bring display models and installation photographs to Washington for a personal interview with the Examiner. If an Allowance is not forthcoming, the applicant normally travels to a house trailer that he has in Florida for a two or three week visit during the winter months. To do so he drives from Toronto south to Florida along a route that would allow him to visit Washington. An opportunity to meet with the Examiner is therefore requested in the event that an Allowance is not forthcoming.

Respectfully submitted,



David J French
Registered agent for the applicant
Registration 31229

David J French
418 Parker Street
Gatineau, Quebec
Canada J9H 4P5

Tel: 1-819-684-3025
Email: